

ASSEMBLY BILL

No. 1926

Introduced by Assembly Member Bonilla

February 19, 2014

An act to amend Section 9841 of the Business and Professions Code, relating to electronic and appliance repair.

LEGISLATIVE COUNSEL'S DIGEST

AB 1926, as introduced, Bonilla. Electronic and appliance repair: service dealers.

Existing law establishes within the Department of Consumer Affairs the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation under the supervision and control of the Director of Consumer Affairs. Existing law makes it unlawful for any person to install, repair, service, or maintain electronics or appliances for compensation, as specified, without a currently valid registration as a service dealer. Existing law authorizes the director to deny, suspend, revoke, or place on probation the registration of a service dealer for any of specified acts or omissions by a service dealer, or by any employee, partner, officer, or member of the service dealer, and related to the conduct of his or her business, including making or authorizing any statement or advertisement that is untrue or misleading, and that is known, or that by the exercise of reasonable care should be known, to be untrue or misleading.

Existing law also makes it a misdemeanor to make or disseminate, or cause to be made or disseminated, an untrue or misleading statement with the intent to perform services or to induce the public to enter into any obligation relating to the performance of those services.

This bill would provide that a statement or advertisement is considered untrue or misleading, for purposes of the provision authorizing the director to take punitive action against the registration of a service dealer on that basis, if the statement or advertisement does not contain the name and address of the business enterprise as shown on its service dealer's state registration certificate or does not contain the business telephone number as listed in a local telephone directory. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9841 of the Business and Professions
- 2 Code is amended to read:
- 3 9841. (a) The director may deny, suspend, revoke, or place
- 4 on probation the registration of a service dealer for any of the
- 5 following acts or omissions done by himself or herself or any
- 6 employee, partner, officer, or member of the service dealer and
- 7 related to the conduct of his or her business:
- 8 (1) (A) Making or authorizing any statement or advertisement
- 9 that is untrue or misleading, and that is known, or which by the
- 10 exercise of reasonable care should be known, to be untrue or
- 11 misleading.
- 12 (B) *A statement or advertisement is considered untrue or*
- 13 *misleading if it does not contain the name and address of the*
- 14 *business enterprise as shown on its service dealer's state*
- 15 *registration certificate or does not contain the business telephone*
- 16 *number as listed in a local telephone directory, including, but not*
- 17 *limited to, a listing in a telephone book directory or on an Internet*
- 18 *Web site.*
- 19 (2) Making any false promises of a character likely to influence,
- 20 persuade, or induce a customer to authorize the repair, installation,

1 service, or maintenance of the equipment as specified by this
2 chapter.

3 (3) Any other conduct that constitutes fraud or dishonest dealing.

4 (4) Conduct constituting incompetence or negligence.

5 (5) Failure to comply with the provisions of this chapter or any
6 regulation, rule, or standard established pursuant to this chapter.

7 (6) Any willful departure from or disregard of accepted trade
8 standards for good and workmanlike installation or repair.

9 (7) Conviction of a crime that has a substantial relationship to
10 the qualifications, functions and duties of a registrant under this
11 chapter, in which event the record of the conviction shall be
12 conclusive evidence thereof.

13 (8) A violation of any order of the bureau made pursuant to this
14 chapter.

15 (b) The director may also deny, or may suspend, revoke, or
16 place on probation, the registration of a service dealer if the
17 applicant or registrant, as the case may be, has committed acts or
18 crimes constituting grounds for denial of licensure under Section
19 480.

20 (c) The director may also deny, or may suspend, revoke, or
21 place on probation, the registration of a service dealer if the
22 applicant or registrant, as the case may be, will be or is holding
23 the registration for the benefit of a former registrant whose
24 registration has been suspended or revoked and who will continue
25 to have some involvement in the applicant's or new registrant's
26 business.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.